

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**PATRICK CHANEY, INDIVIDUALLY AND
BY AND THROUGH HIS NEXT FRIEND AND
NATURAL FATHER, PAT CHANEY**

PLAINTIFF

V.

CASE NO. 2:03CV214

COLUMBUS McKINNON CORP., et al

DEFENDANTS

ORDER

This cause comes before the Court on the plaintiff's motion [227-1] to strike defendant Cooper Tools, Inc.'s joinder in defendant Columbus McKinnon Corporation's motion for summary judgment. As the plaintiff notes, Cooper Tools' joinder was not filed until almost nine months after Columbus McKinnon filed its motion for summary judgment and three months after the deadline for the filing of motions. Accordingly, the joinder is untimely and should be stricken. Additionally, Cooper Tools' rationale for joinder is that it is entitled to summary judgment on the same grounds as Columbus McKinnon (whose motion for summary judgment this Court granted on March 1, 2006. The Court granted Columbus McKinnon's motion because of undisputed evidence that Columbus McKinnon was not involved in the manufacture of the plate hooks which allegedly caused the plaintiff's accident. Neither the Court's order nor Columbus McKinnon's motion addressed Cooper Tools' role in the manufacture of the plate hooks. Consequently, the record presently before the Court does not indicate that Cooper Tools is entitled to summary judgment on the same grounds as Columbus McKinnon. Accordingly, in light of the foregoing, the plaintiff's motion to strike [227-1] is GRANTED.

This is the 15th day of March, 2006.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE